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SUBJECT: UKRAINE: PORA CONTROVERSY ANOTHER TEST OF ELECTION SITUATION

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Classified By: Ambassador for reasons 1.4(b,d).

1. (C) Summary. The sudden appearance of a "second" Pora political party, its quick registration by the Central Election Commission (CEC) and the CEC's deregistration of eight representatives of the "real" Pora on the OU-PSD list at worst raised questions about the use of dirty tricks, and at a minimum, confused Ukrainian voters. The CEC on August 28 announced that Pora -- one of the nine parties in OU-PSD -- had withdrawn from the megabloc and was registering as a separate party, but protests from Pora members revealed that it was a provocation, abetted by Justice Minister Lavrynovych, to make the orange camp look disorganized and to sow discord within the bloc. According to Pora member Serhiy Taran, a rump Pora headed by a former party member had created fake party stamps to replicate official documents, and then registered the party under new leadership with the Ministry of Justice and then the CEC. The eight coalition CEC members voted to register the new Pora and remove the real Pora members from the OU-PSD list (Pora had eight slots.) President Yushchenko and Deputy Secretariat Head Stavnychuk strongly condemned the action. The Kyiv District Administrative Court ruled on August 31 in favor of the real Pora and OU-PSD that the registration of the new Pora was illegal. Lavrynovych then appealed the ruling, but lost in the Court of Appeals on September 4; the issue cannot be appealed further. The ball is now in the CEC's court to take action and deregister the new Pora in compliance with the court ruling and reinstate the eight Pora party members on the OU-PSD list.

12. (C) Comment. Given that Pora had only eight candidates on the OU-PSD list and has low national ratings, the effort to deregister them seems to have little to do with Pora itself. In our view, the assistance of Justice Minister Lavrynovych, a Regions stalwart, in getting the alternative Pora registered lends credence to claims made by voter watchdog CVU to us that some in Regions were behind the gambit. The effort appears to have been intended to tarnish the image of and sow discord within the OU-PSD megabloc; however, it also sought to test the limits of the possibility of manipulating the CEC, as occurred in a similar case when coalition parties used their CEC commissioners to delay BYuT's registration (reflets). Even if Pora is reinstated on the OU-PSD list, the issue has been one more distraction for the unwieldy OU-PSD bloc to manage and may have exposed real fault lines inside the orange megabloc. With the exception of Yushchenko and Stavnychuk's comments, OU-PSD leaders were strangely silent on the issue, suggesting that they were not altogether

unhappy to see Pora leader Kaskiv and his party potentially leave the bloc. End summary and comment.

Pora Coup

13. (SBU) On August 28, the press reported that Pora -- one of the nine parties inside OU-PSD -- had held a new congress, ousted leader Vadim Kaskiv, decided to run independently, and presented the CEC with a new list of candidates. With the now standard eight to seven vote, the CEC approved the new Pora list, registered the party, and deregistered eight Pora members from the OU-PSD list. After a couple of days of confusion, Pora and OU-PSD took the CEC to court, arguing that they did not want to be deregistered from the megabloc and denying that Pora had new leadership. In addition, President Yushchenko and Deputy Secretariat Head Stavnychuk sharply criticized the CEC and especially the Justice Ministry for their roles in supporting this effort by rushing the paperwork through the process and ensuring that the alternative Pora was immediately registered. On August 31, the Kyiv Administrative Court agreed with Pora and OU-PSD's complaint, and reinstated the eight Pora members on the megabloc list. Justice Minister Lavrynovych appealed the decision September 3, but lost the case on September 4; no further appeals are possible. We would expect to see the CEC deregister the new Pora in the next few days, once Chairman Shapoval has a copy of the ruling in hand, and reinstate the deregistered Pora members on the OU-PSD list.

14. (C) On August 31, Pora member and political analyst Serhiy Taran and head of election watchdog Committee of Voters of Ukraine Ihor Popov told us their story of what had really happened. According to Taran, the rump Pora, led by Yarolsav Gudonyk, a former Pora member who had been thrown out of the party (and later out of PSD) gathered a few real Pora members, made his own fake Pora party stamp, and held his own party congress. Gudonyk turned the fraudulent documents into

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Justice Minister Lavrynovych, whose Ministry is responsible for registering parties, and got approval as the new "official" leadership of Pora. According to Popov, Minister Lavrynovych himself approved the documents. The rump Pora then took these documents to the CEC and asked to be registered as its own party in the election. The CEC voted 8-7 down party lines to approve this, which automatically resulted in deregistering the Pora folks on the OU-PSD list.

Not All in OU-PSD Sad to See Pora Go

15. (C) An interesting side note to this story may be that not all inside OU-PSD objected to Pora's removal. Although Pora only received eight spots on the bloc's election list, party leader Kaskiv, like all constituent party leaders, was given a seat in the OU-PSD presidium. Popov told us that Kaskiv is a Baloha ally, who serves as a proxy vote for the Secretariat Head in the OU-PSD presidium. Popov took Lutsenko and Kyrylenko's silence as a sign that they were perhaps relieved to see Kaskiv taken down a peg or perhaps even removed from the bloc entirely.

16. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.
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